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Consequences that the increase in the volume of cases before the International Court of Justice has on the operation of the Court

Report of the Secretary-General

Addendum

Contents

Page

II Comments and observations received

Mexico 2

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Mexico

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Pursuant to the recommendation of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, the General Assembly invited States to present their comments and observations on the consequences that the increase in the volume of cases before the International Court of Justice has on its operation (resolution 52/161 of 15 December 1997). The following observations are submitted in response to that invitation.

1. Mexico notes with satisfaction that States are becoming increasingly willing to resort to judicial mechanisms to resolve their differences. The number of cases submitted to the International Court of Justice has increased and all indications are that this trend will continue. Greater involvement by the Court in settling disputes helps to maintain international peace and security and to strengthen international law, but it also requires an analysis of the impact which the increase in the number of cases before the Court has on its operation.

2. In this exercise, Mexico shares the belief that it is very important to provide the Court with the necessary tools to deal with the growing volume of cases. A Court having the capacity to process cases exhaustively, efficiently and expeditiously ensures compliance with the purposes of the United Nations. At the same time, it must be remembered that this effort involves States as well as the Court.

3. States are responsible for providing the Court with the minimum resources it needs in order to operate and for helping to ensure, where a State is an active party in a case before the Court, that the proceedings are not unduly delayed. As an independent legal organ, the Court is exclusively responsible for the efficient management of these resources and of its own proceedings.

4. Attention should be drawn to the Court's efforts in recent years to deal with the increase in the number of cases before it. In addition to reorganizing and streamlining its secretariat, it has made greater use of electronic equipment and simplified its work methods. Yet much remains to be done. Mexico appreciates the Court's efforts and trusts that it will keep its practices and methods under constant review and will continue to take action and, where required, will submit proposals to States to improve the efficiency of its operations.

Financial situation of the International Court of Justice

5. In his recent statements to the General Assembly, the President of the International Court of Justice has focused on the budget allocated to it and has pointed out that the total amount of resources has remained relatively steady for a number of decades. He has also noted that, in a scenario where the volume of cases continues to rise, an adjustment will have to be made in the amount of resources provided.

6. An increase in the Court's budget is inextricably connected with the financial situation of the United Nations, an issue which in itself presents important challenges to the Organization.

7. Despite the difficulties at hand, Mexico believes that the matter should be studied in depth. Without neglecting the general context, it would be useful to explore alternatives that would enable the Court to obtain more resources. In this exercise, the experience of similar institutions could be taken into account.

Proceedings before the International Court of Justice

8. As mentioned in paragraphs 3 and 4 above, aside from increasing the Court's resources, there are other ways of streamlining its proceedings and reducing the average of four years' time that it takes for a case to be processed. Although Mexico recognizes that most of the decisions in this regard are solely the Court's responsibility and that some of them have already been implemented, there may be areas where State support would be relevant. A thorough analysis of the matter could help to identify such areas and, where appropriate, could lead to subsequent action.

9. Mexico hopes that the Special Committee on the Charter will be able to address this issue at its 1999 session and that the outcome of the debate will take the form of a strengthened judicial organ with a greater capacity to deal expeditiously with the growing demands of the international community.